

Fill in this information to identify your case:

United States Bankruptcy Court for the:

NORTHERN DISTRICT OF GEORGIA

Case number (if known) Chapter 7

☐ Check if this an amended filing

Official Form 201

Voluntary Petition for Non-Individuals Filing for Bankruptcy

06/22

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name Newport 222 Mitchell Street, L.P.

2. All other names debtor used in the last 8 years  
Include any assumed names, trade names and doing business as names

3. Debtor's federal Employer Identification Number (EIN) 82-2295447

4. Debtor's address Principal place of business Mailing address, if different from principal place of business

c/o Kevin Murphy  
170 Mitchell Street  
Atlanta, GA 30303

Number, Street, City, State & ZIP Code

P.O. Box, Number, Street, City, State & ZIP Code

Fulton  
County

Location of principal assets, if different from principal place of business

Number, Street, City, State & ZIP Code

5. Debtor's website (URL)

6. Type of debtor  
☒ Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))  
☐ Partnership (excluding LLP)  
☐ Other. Specify:

Debtor **Newport 222 Mitchell Street, L.P.**  
Name

Case number (if known)

**7. Describe debtor's business****A. Check one:**

- ☐ Health Care Business (as defined in 11 U.S.C. § 101(27A))
- ☒ Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))
- ☐ Railroad (as defined in 11 U.S.C. § 101(44))
- ☐ Stockbroker (as defined in 11 U.S.C. § 101(53A))
- ☐ Commodity Broker (as defined in 11 U.S.C. § 101(6))
- ☐ Clearing Bank (as defined in 11 U.S.C. § 781(3))
- ☐ None of the above

**B. Check all that apply**

- ☐ Tax-exempt entity (as described in 26 U.S.C. §501)
- ☐ Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. §80a-3)
- ☐ Investment advisor (as defined in 15 U.S.C. §80b-2(a)(11))

C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <http://www.uscourts.gov/four-digit-national-association-naics-codes>.

\_\_\_\_\_

**8. Under which chapter of the Bankruptcy Code is the debtor filing?****Check one:**

- ☒ Chapter 7
- ☐ Chapter 9
- ☐ Chapter 11. **Check all that apply:**

A debtor who is a "small business debtor" must check the first sub-box. A debtor as defined in § 1182(1) who elects to proceed under subchapter V of chapter 11 (whether or not the debtor is a "small business debtor") must check the second sub-box.

- ☐ The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$3,024,725. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, **and it chooses to proceed under Subchapter V of Chapter 11.** If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).
- ☐ A plan is being filed with this petition.
- ☐ Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).
- ☐ The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the *Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11* (Official Form 201A) with this form.
- ☐ The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.

☐ Chapter 12**9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?**

- ☒ No.
- ☐ Yes.

If more than 2 cases, attach a separate list.

District	_____	When	_____	Case number	_____
District	_____	When	_____	Case number	_____

Debtor **Newport 222 Mitchell Street, L.P.**  
Name

Case number (if known)

10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?
- ☒ No  
☐ Yes.

List all cases. If more than 1, attach a separate list

Debtor

District

When

Relationship

Case number, if known

11. Why is the case filed in this district?

Check all that apply:

- ☒ Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district.
- ☐ A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.

12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?

☒ No

☐ Yes.

Answer below for each property that needs immediate attention. Attach additional sheets if needed.

Why does the property need immediate attention? (Check all that apply.)

- ☐ It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety.

What is the hazard?

- ☐ It needs to be physically secured or protected from the weather.

- ☐ It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).

- ☐ Other

Where is the property?

Number, Street, City, State & ZIP Code

Is the property insured?

☐ No

☐ Yes. Insurance agency

Contact name

Phone

### Statistical and administrative information

13. Debtor's estimation of available funds

Check one:

- ☐ Funds will be available for distribution to unsecured creditors.
- ☒ After any administrative expenses are paid, no funds will be available to unsecured creditors.

14. Estimated number of creditors

☒ 1-49

☐ 50-99

☐ 100-199

☐ 200-999

☐ 1,000-5,000

☐ 5001-10,000

☐ 10,001-25,000

☐ 25,001-50,000

☐ 50,001-100,000

☐ More than 100,000

15. Estimated Assets

☒ \$0 - \$50,000

☐ \$50,001 - \$100,000

☐ \$100,001 - \$500,000

☐ \$500,001 - \$1 million

☐ \$1,000,001 - \$10 million

☐ \$10,000,001 - \$50 million

☐ \$50,000,001 - \$100 million

☐ \$100,000,001 - \$500 million

☐ \$500,000,001 - \$1 billion

☐ \$1,000,000,001 - \$10 billion

☐ \$10,000,000,001 - \$50 billion

☐ More than \$50 billion

16. Estimated liabilities

☐ \$0 - \$50,000

☐ \$1,000,001 - \$10 million

☐ \$500,000,001 - \$1 billion

Debtor **Newport 222 Mitchell Street, L.P.** Case number (if known) \_\_\_\_\_  
Name

- |  |   |  |
|--|---|--|
| <input type="checkbox"/> \$50,001 - \$100,000    | <input checked="" type="checkbox"/> \$10,000,001 - \$50 million | <input type="checkbox"/> \$1,000,000,001 - \$10 billion  |
| <input type="checkbox"/> \$100,001 - \$500,000   | <input type="checkbox"/> \$50,000,001 - \$100 million           | <input type="checkbox"/> \$10,000,000,001 - \$50 billion |
| <input type="checkbox"/> \$500,001 - \$1 million | <input type="checkbox"/> \$100,000,001 - \$500 million          | <input type="checkbox"/> More than \$50 billion          |
-

Debtor **Newport 222 Mitchell Street, L.P.**  
Name

Case number (if known)

**Request for Relief, Declaration, and Signatures**

**WARNING** -- Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature  
of authorized  
representative of debtor**

The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

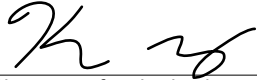
I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 04.22.2024

MM / DD / YYYY

X 

Signature of authorized representative of debtor

**Kevin Murphy**

Printed name

Title **Designate**

**18. Signature of attorney**

X /s/ Michael F. Holbein

Signature of attorney for debtor

Date 04/22/2024

MM / DD / YYYY

**Michael F. Holbein**

Printed name

**Smith, Gambrell & Russell, LLP**

Firm name

**1105 W. Peachtree St. NE**

**Suite 1000**

**Atlanta, GA 30309**

Number, Street, City, State & ZIP Code

Contact phone 404-815-3607

Email address mholbein@sgrlaw.com

**360070 GA**

Bar number and State

Balfour Beatty Constr., LLC  
c/o K. Hudson, Hudson Lambert  
3575 Piedmont Rd, Ste 200  
Atlanta, GA 30305

**NEWPORT 222 MITCHELL STREET, L.P.**

**WRITTEN CONSENT OF GENERAL PARTNER**

**April 22, 2024**

Pursuant to Section 10 of the Limited Partnership Agreement of Newport 222 Mitchell Street, L.P., a Delaware limited partnership (the “**Agreement**”), and Delaware Revised Uniform Limited Partnership Act, 6 Del. C., §17-101, *et seq.*, the undersigned, NEWPORT SOUTH DOWNTOWN MASTER GP. LLC (the “**General Partner**”) being the General Partner of Newport 222 Mitchell Street, L.P., a Delaware limited partnership (the “**Partnership**”), hereby adopt, approve, authorize, ratify, and take the following actions:

**Whereas**, the General Partner, with the advice and counsel of its attorneys and other professional advisors, has fully considered the Partnership’s need for liquidation and the alternatives available to it in that regard;

**Whereas**, upon such full consideration the General Partner has concluded that it is in the best interests of the Partnership to authorize the Partnership to file a petition under Chapter 7 of title 11 of the United States Code, as amended (the “**Bankruptcy Code**” or the “**Code**”);

**Whereas**, the General Partner accordingly believes that it is in the best interests of the Partnership to approve the Partnership’s commencement of a case under chapter 7 of the Code as expeditiously as possible and to take any and all actions necessary and appropriate to effect the same;

**Be it resolved**, that Kevin Murphy (the “**Designate**”) is hereby authorized and directed to take all actions as he deems necessary and appropriate to commence a case concerning the Partnership under chapter 7 of the Code, including providing for the Partnership to file a petition under said chapter 7 in the United States Bankruptcy Court for the Northern District of Georgia;

**Be it further resolved**, that the Partnership retain the law firm Smith, Gambrell & Russell, LLP to represent the Partnership in, and to serve as its counsel in connection with the preparation, commencement, and administration of, said case under chapter 7 of the Code, upon such terms as are determined reasonable and appropriate by the Designate and are obtainable by negotiation with said firm;

**Be it further resolved**, that the Partnership provide to said law firm a fee for the engagement authorized by these resolutions, and to make additions to such deposit from time to time, in such amounts as may be required by said firm and shall be determined to be reasonable and appropriate by the Designate;

**Be it further resolved**, that the Designate is hereby authorized and directed, from time to time, to sign such pleadings, lists, notices, and other agreements, instruments and documents, including a petition, schedules, affidavits, and verifications, and any amendments, modifications, or supplements thereto, and to do such other acts and things, as the Designate deems necessary or appropriate for the purpose of commencing and proceeding with a chapter 7 case concerning the Partnership or otherwise fulfilling the intentions of the foregoing resolutions;

**Be if further resolved**, that all documents heretofore signed and all actions heretofore taken in furtherance of the transactions authorized by the foregoing resolutions are hereby ratified, approved, and declared binding on the Partnership;

**In witness whereof**, the General Partner has executed this consent as of the date first above written

NEWPORT SOUTH DOWNTOWN MASTER GP.  
LLC, the General Partner,

by NEWPORT SOUTH DOWNTOWN MASTER,  
L.P., a Delaware limited partnership, its sole  
member,

by NEWPORT US GP, INC., a Delaware  
Corporation, its general partner

By  \_\_\_\_\_

Olaf Kunkat  
Chief Executive officer